

# HOUSE JOURNAL

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EIGHTY-FIRST LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

SEVENTY-SIXTH DAY (CONTINUED) — FRIDAY, MAY 22, 2009

The house met at 10 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 1056).

Present — Mr. Speaker; Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Corte; Crabb; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Legler; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller; Miller, S.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Quintanilla; Raymond; Riddle; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Absent, Excused — Kuempel.

The invocation was offered by Scott Talley, minister, Crestview Church of Christ, Waco, as follows:

Holy God, you are the God of our days, our years, our pasts, and our futures. You are the God of our work, of our rest, of our weariness, and of our leisure. Our lives and times are in your hands. We come to you now in our strength and in our weakness, in our hope and in our despair, in our health and in our disease. We come today to specifically pray for leaders and followers and for all like us who seek and yearn for life anew with you and from you and for you.

Lord, this room is full of your men and women who make our state government work. They process each item of business that keeps us in business. Each decision, system, department, budget, and program requires their careful scrutiny, comprehensive evaluation, and wise counsel. We have entrusted to

them the keys to the vehicle of government. And, quite frankly, Lord, we unrealistically expect them to be proficient experts in every arena—to mete out wisdom and justice in all matters and to always take our call and make time for whatever new challenge we decide is urgent.

For these challenges and tasks, they need more strength, courage, wisdom, and resilience than one is capable of without your help. So, Lord, I ask you to see this assembly of public servants as a strong academy which is in need of your empowerment and blessings. They have answered the call for service, and now I ask you to provide them with what only you can provide. Give them each, Lord, a full measure of strength, resolve, and tenacity. Give them wisdom, judgment, and insight, and bind it all together with gentleness, temperance, and mercy.

Lord, as Americans we thank you for the wisdom of our founding fathers who framed our great constitution around two great and complementary concepts. They purposely paired the twin ideals of our personal freedom and rights with service to our fellow humans in the community. May we as leaders and followers balance the tension between these unique pillars of our country. Help us all understand that in our society, like your kingdom, individual rights and freedoms must often become subservient to the needs and greater good of the community. Lord God, guide leaders and followers alike in the ways of justice and peace, that we may honor one another and serve the common good.

I ask especially, Lord, that you would gift each of these leaders with an inspired vision of what our government can become. Give them vision to see beyond perennial efforts of self-sustainment to an era when the walls of hostility are broken down. We dare to ask for the walls between liberals and conservatives, between haves and have-nots, between victims and perpetrators, to be shattered by your grace. And Holy God, as leaders and followers, may we seek, desire, and pursue participation instead of partisanship; goodness instead of greed; mercy instead of meanness; service instead of self-centeredness; and humility instead of hubris. Transform us beyond our fearfulness, our timidity, our excessive certitude, and help us all be purveyors of peace, justice, and mercy in the pursuit of the common good of humanity.

Dear God, hear our prayers for liberty, for peace, for mercy. Form in us freedom, wholeness, and gentleness. Make us light, make us ready, and make us open. Work your wonders through us and among us. We pray in the name of Jesus. Amen.

The chair recognized Representative Dunnam who led the house in the pledges of allegiance to the United States and Texas flags.

### **CAPITOL PHYSICIAN**

The speaker pro tempore recognized Representative D. Howard who presented Dr. John Egerton and Dr. Judith Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

## LOCAL, CONSENT, AND RESOLUTIONS CALENDAR SECOND READING

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

**SB 588** (Zerwas - House Sponsor), in lieu of **HB 593**, A bill to be entitled An Act relating to the creation of the Waller County Municipal Utility District No. 9; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

### POINT OF ORDER

Representative S. Miller raised a point of order against further consideration of the local, consent, and resolutions calendar.

### LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Driver on motion of Hunter.

The following member was granted leave of absence for the remainder of today because of illness in the family:

Riddle on motion of F. Brown.

The point of order was withdrawn.

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Corte on motion of J. Davis.

### HB 593 - LAID ON THE TABLE SUBJECT TO CALL

Representative Zerwas moved to lay **HB 593** on the table subject to call, and the motion prevailed.

### SB 1544 - RECOMMITTED

Representative Ritter moved to recommit **SB 1544** from the Committee on Calendars to the Committee on Natural Resources.

The motion prevailed.

**SB 880** (Zerwas - House Sponsor), in lieu of **HB 1252**, A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 200; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Zerwas moved to lay **HB 1252** on the table subject to call, and the motion prevailed.

**CSSB 860** (Zerwas - House Sponsor), in lieu of **HB 1456**, A bill to be entitled An Act relating to the creation of the Fort Bend-Waller Counties Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Zerwas moved to lay **HB 1456** on the table subject to call, and the motion prevailed.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**SB 1979** (Creighton - House Sponsor), in lieu of **HB 1713**, A bill to be entitled An Act relating to the creation of the Blaketree Municipal Utility District No. 1 of Montgomery County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Creighton moved to lay **HB 1713** on the table subject to call, and the motion prevailed.

**SB 637** (Zerwas - House Sponsor), in lieu of **HB 1782**, A bill to be entitled An Act relating to the creation of the Wharton County Drainage District.

Representative Zerwas moved to lay **HB 1782** on the table subject to call, and the motion prevailed.

**SB 1039** (Fletcher - House Sponsor), in lieu of **HB 1917**, A bill to be entitled An Act relating to the creation of the Harris County Municipal Utility District No. 478; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Fletcher moved to lay **HB 1917** on the table subject to call, and the motion prevailed.

#### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 36).

**SB 2480** (Weber - House Sponsor), in lieu of **HB 2021**, A bill to be entitled An Act relating to the board of navigation and canal commissioners of the Matagorda County Navigation District No. 1.

Representative Weber moved to lay **HB 2021** on the table subject to call, and the motion prevailed.

**SB 994** (Olivo - House Sponsor), in lieu of **HB 2123**, A bill to be entitled An Act relating to the creation of the Fort Bend County Municipal Utility District No. 192; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

(Driver now present)

Representative Naishtat moved to lay **HB 2123** on the table subject to call, and the motion prevailed.

#### **HCR 174 - NAMES ADDED**

On motion of Representative Lewis, the names of all the members of the house were added to **HCR 174** as signers thereof.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Merritt requested permission for the Committee on Public Safety to meet while the house is in session, at 1 p.m. today, in 1W.14, to consider pending business.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Safety, 1 p.m. today, 1W.14, for a formal meeting, to consider pending business.

**SB 1337** (Phillips - House Sponsor), in lieu of **HB 2231**, A bill to be entitled An Act relating to the creation of the Van Alstyne Municipal Utility District No. 1 of Grayson County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain. (Miklos recorded voting present, not voting.)

Representative Phillips moved to lay **HB 2231** on the table subject to call, and the motion prevailed.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Marquez requested permission for the Committee on County Affairs to meet while the house is in session, at 1:15 p.m. today, in 3W.9, to consider **SB 2574** and pending business.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

County Affairs, 1:15 p.m. today, 3W.9, for a formal meeting, to consider **SB 2574** and pending business.

#### **SCR 76 - ADOPTED**

**(Castro, Leibowitz, Gutierrez, and Rios Ybarra - House Sponsors)**

Representative Castro moved to suspend all necessary rules to take up and consider at this time **SCR 76**.

The motion prevailed.

The following resolution was laid before the house:

**SCR 76**, Commending St. Mary's University on implementing the Frank Madla, Jr., and Irma Rangel Legislative Internship Program.

**SCR 76** was adopted.

**CSHB 3411** (by Chisum), A bill to be entitled An Act relating to the powers and duties of the Castro County Hospital District.

**Amendment No. 1**

Representative Chisum offered the following amendment to **CSHB 3411**:

Amend **CSHB 3411** (house committee printing), on page 1, between lines 11 and 12, by inserting the following:

Sec. 1013.062. RECRUITMENT OF MEDICAL STAFF AND EMPLOYEES. (a) The board may spend district money, enter into agreements, and take other necessary action to recruit physicians and other persons to serve as medical staff members or district employees, including:

- (1) advertising and marketing;
- (2) paying travel, recruitment, and relocation expenses;
- (3) providing a loan or scholarship to a physician or a person who:

(A) is currently enrolled in health care education courses at an institution of higher education; and

(B) contractually agrees to become a district employee or medical staff member; and

(4) providing on a rent-free basis or subsidizing the cost of office space or other facilities for a health care professional, including a physician.

(b) The board may employ physicians or other health care providers as the board considers necessary for the efficient operation of the district.

(c) This section may not be construed as authorizing the board to supervise or control the practice of medicine, as prohibited by Subtitle B, Title 3, Occupations Code.

Amendment No. 1 was adopted.

**SB 2460** (Weber - House Sponsor), in lieu of **HB 4104**, A bill to be entitled An Act relating to the creation of the Brazoria County Municipal Utility District No. 65; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Weber moved to lay **HB 4104** on the table subject to call, and the motion prevailed.

**SB 2464** (D. Miller - House Sponsor), in lieu of **HB 4225**, A bill to be entitled An Act relating to the creation of the Comal County Water Improvement District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative D. Miller moved to lay **HB 4225** on the table subject to call, and the motion prevailed.

**SB 2463** (D. Miller - House Sponsor), in lieu of **HB 4226**, A bill to be entitled An Act relating to the creation of the Comal County Water Improvement District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative D. Miller moved to lay **HB 4226** on the table subject to call, and the motion prevailed.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Solomons requested permission for the Committee on State Affairs to meet while the house is in session, at 2:10 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

State Affairs, 2:10 p.m. today, 3W.15, for a formal meeting, to consider pending business.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hunter requested permission for the Committee on Judiciary and Civil Jurisprudence to meet while the house is in session, at 4 p.m. today, in 3W.15, for a formal meeting, to consider pending business.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Judiciary and Civil Jurisprudence, 4 p.m. today, 3W.15, for a formal meeting, to consider pending business.

**SB 2410** (B. Brown - House Sponsor), in lieu of **HB 4701**, A bill to be entitled An Act relating to the creation of the Twin Lakes Municipal Utility District No. 1 of Kaufman County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative B. Brown moved to lay **HB 4701** on the table subject to call, and the motion prevailed.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Deshotel requested permission for the Committee on Elections to meet while the house is in session, at 3 p.m. today, in 3W.9, to consider **SB 2085**.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Elections, 3 p.m. today, 3W.9, for a formal meeting, to consider **SB 2085**.

**SB 1483** (Eiland - House Sponsor), in lieu of **HB 4703**, A bill to be entitled An Act relating to the creation of the Galveston County Municipal Utility District No. 76; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Rose moved to lay **HB 4703** on the table subject to call, and the motion prevailed.

#### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Isett on motion of F. Brown.

(Pickett in the chair)

**CSSB 660** (Rose - House Sponsor), in lieu of **HB 4725**, A bill to be entitled An Act relating to the creation of the Caldwell County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Rose moved to lay **HB 4725** on the table subject to call, and the motion prevailed.

**SB 2466** (Jackson - House Sponsor), in lieu of **HB 4726**, A bill to be entitled An Act relating to the creation of the Cypress Waters Municipal Management District; providing the authority to impose an assessment, impose a tax, and issue bonds.

Representative Jackson moved to lay **HB 4726** on the table subject to call, and the motion prevailed.

(Raymond in the chair)

**SB 2479** (Weber - House Sponsor), in lieu of **HB 4731**, A bill to be entitled An Act relating to the creation of the Country Place Management District; providing authority to impose an assessment, impose a tax, and issue bonds.

Representative Weber moved to lay **HB 4731** on the table subject to call, and the motion prevailed.

**SB 2504** (Creighton - House Sponsor), in lieu of **HB 4734**, A bill to be entitled An Act relating to the creation of the Montgomery County Municipal Utility Districts Nos. 128 and 129; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Creighton moved to lay **HB 4734** on the table subject to call, and the motion prevailed.

**SB 2529** (Phillips - House Sponsor), in lieu of **HB 4736**, A bill to be entitled An Act relating to the creation of the Red River Groundwater Conservation District; providing authority to issue bonds; granting the power of eminent domain.

Representative Phillips moved to lay **HB 4736** on the table subject to call, and the motion prevailed.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative McClendon requested permission for the Committee on Rules and Resolutions to meet while the house is in session, at 3:30 p.m. today, in 3W.9, for a formal meeting, to consider the calendar.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Rules and Resolutions, 3:30 p.m. today, 3W.9, for a formal meeting, to consider the calendar.

**SB 2496** (Hochberg and Thibaut - House Sponsors), in lieu of **HB 4747**, A bill to be entitled An Act relating to the powers of the Westchase District. (Flynn recorded voting no.)

Representative Hochberg moved to lay **HB 4747** on the table subject to call, and the motion prevailed.

**SB 2483** (Eissler - House Sponsor), in lieu of **HB 4749**, A bill to be entitled An Act relating to the authority of the Harris-Montgomery Counties Municipal Utility District No. 386, formerly known as Harris County Municipal Utility District No. 386, to issue bonds supported by ad valorem taxes to finance recreational facilities.

Representative Eissler moved to lay **HB 4749** on the table subject to call, and the motion prevailed.

**SB 2507** (Legler - House Sponsor), in lieu of **HB 4753**, A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 16; providing authority to impose an assessment, impose a tax, and issue bonds.

Representative Martinez moved to lay **HB 4753** on the table subject to call, and the motion prevailed.

**SB 2486** (Eissler - House Sponsor), in lieu of **HB 4758**, A bill to be entitled An Act relating to the creation of the Montgomery County Water Control and Improvement District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Eissler moved to lay **HB 4758** on the table subject to call, and the motion prevailed.

(Isett now present)

**SB 2478** (Rose - House Sponsor), in lieu of **HB 4761**, A bill to be entitled An Act relating to the Parklands Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**Amendment No. 1**

Representative Rose offered the following amendment to **SB 2478**:

Amend **SB 2478** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 8368.005, Special District Local Laws Code (page 2, line 6), strike "district" and substitute "territory described by Section 2 of the Act creating this chapter".

(2) In SECTION 1 of the bill, in added Section 8368.005, Special District Local Laws Code (page 2, lines 7 and 8), strike "to the creation of the district and".

Amendment No. 1 was adopted.

Representative Rose moved to lay **HB 4761** on the table subject to call, and the motion prevailed.

**SB 2506** (Chisum - House Sponsor), in lieu of **HB 4764**, A bill to be entitled An Act relating to the creation of the Gray County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Chisum moved to lay **HB 4764** on the table subject to call, and the motion prevailed.

**HB 4742 - NOTICE OF MOTION TO SUSPEND RULES**

Pursuant to the provisions of Rule 14, Section 4 of the House Rules, at 4:31 p.m., the chair announced that Representative Naishtat would, in at least one hour, be recognized for the purpose of suspending the regular order of business to take up **HB 4742** out of its regular order.

**HB 3411 - NOTICE OF MOTION TO SUSPEND RULES**

Pursuant to the provisions of Rule 14, Section 4 of the House Rules, at 4:33 p.m., the chair announced that Representative Chisum would, in at least one hour, be recognized for the purpose of suspending the regular order of business to take up **HB 3411** out of its regular order.

**SB 2509** (Eissler - House Sponsor), in lieu of **HB 4770**, A bill to be entitled An Act relating to the creation of the Montgomery County Water Control and Improvement District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Eissler moved to lay **HB 4770** on the table subject to call, and the motion prevailed.

**SB 2520** (Heflin - House Sponsor), in lieu of **HB 4780**, A bill to be entitled An Act relating to election and qualifications of members of the board of directors of the Santa Rita Underground Water Conservation District.

Representative Heflin moved to lay **HB 4780** on the table subject to call, and the motion prevailed.

**SB 2515** (Eissler - House Sponsor), in lieu of **HB 4782**, A bill to be entitled An Act relating to the administration, powers and duties, operations, and financing of The Woodlands Township; providing authority to impose an events admission tax.

Representative Eissler moved to lay **HB 4782** on the table subject to call, and the motion prevailed.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Miklos requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 5:15 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Criminal Jurisprudence, 5:15 p.m. today, 3W.15, for a formal meeting, to consider pending business.

**SB 2521** (Weber - House Sponsor), in lieu of **HB 4786**, A bill to be entitled An Act relating to the creation of the Brazoria County Municipal Utility District No. 63; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Representative Weber moved to lay **HB 4786** on the table subject to call, and the motion prevailed.

**SB 2514** (Zerwas - House Sponsor), in lieu of **HB 4791**, A bill to be entitled An Act relating to the powers of the North Fort Bend Water Authority.

Representative Zerwas moved to lay **HB 4791** on the table subject to call, and the motion prevailed.

**SB 2536** (Callegari - House Sponsor), in lieu of **HB 4792**, A bill to be entitled An Act relating to the powers of the West Harris County Regional Water Authority.

Representative Fletcher moved to lay **HB 4792** on the table subject to call, and the motion prevailed.

**SB 2531** (Hernandez - House Sponsor), in lieu of **HB 4801**, A bill to be entitled An Act relating to the creation of the Harris County Improvement District No. 15; providing authority to impose an assessment, impose a tax, and issue bonds.

Representative Hernandez moved to lay **HB 4801** on the table subject to call, and the motion prevailed.

**CSSB 2570** (Rios Ybarra - House Sponsor), in lieu of **HB 4832**, A bill to be entitled An Act relating to the board of directors of the Kenedy County Groundwater Conservation District.

Representative Rios Ybarra moved to lay **HB 4832** on the table subject to call, and the motion prevailed.

### **HB 4742 - RULES SUSPENDED**

Pursuant to notice of intent given earlier today, Representative Naishtat moved to suspend the regular order of business and all necessary rules to consider **HB 4742** at this time.

The motion prevailed.

**CSHB 4742** (by Naishtat), A bill to be entitled An Act relating to the preservation of a record in a proceeding in a municipal court of record in Austin.

**SB 80** (Truitt - House Sponsor), A bill to be entitled An Act relating to employer contributions under small employer health benefit plans.

**SB 202** (Gonzales - House Sponsor), A bill to be entitled An Act relating to provisional licensing of physicians to practice in underserved areas.

**CSSB 229** (Callegari - House Sponsor), A bill to be entitled An Act relating to the procurement methods authorized for public projects by certain local governments.

**SB 279** (Aycock - House Sponsor), A bill to be entitled An Act relating to a prohibition against certain court orders in a suit affecting the parent-child relationship during a parent's military deployment.

### **Amendment No. 1**

Representative Aycock offered the following amendment to **SB 279**:

Amend **SB 279** (House Committee Report) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 153, Family Code, is amended by adding Subchapter L to read as follows:

#### SUBCHAPTER L. MILITARY DUTY

Sec. 153.701. DEFINITIONS. In this subchapter:

(1) "Designated person" means the person ordered by the court to temporarily exercise a conservator's rights, duties, and periods of possession and access with regard to a child during the conservator's military deployment, military mobilization, or temporary military duty.

(2) "Military deployment" means the temporary transfer of a service member of the armed forces of this state or the United States serving in an active-duty status to another location in support of combat or some other military operation.

(3) "Military mobilization" means the call-up of a National Guard or Reserve service member of the armed forces of this state or the United States to extended active duty status. The term does not include National Guard or Reserve annual training.

(4) "Temporary military duty" means the transfer of a service member of the armed forces of this state or the United States from one military base to a different location, usually another base, for a limited time for training or to assist in the performance of a noncombat mission.

Sec. 153.702. TEMPORARY ORDERS. (a) If a conservator is ordered to military deployment, military mobilization, or temporary military duty that involves moving a substantial distance from the conservator's residence so as to materially affect the conservator's ability to exercise the conservator's rights and duties in relation to a child, either conservator may file for an order under this subchapter.

(b) The court may render a temporary order in a proceeding under this subchapter regarding:

(1) possession of or access to the child; or

(2) child support.

(c) A temporary order rendered by the court under this subchapter may grant rights to and impose duties on a designated person regarding the child, except the court may not require the designated person to pay child support.

(d) After a conservator's military deployment, military mobilization, or temporary military duty is concluded, and the conservator returns to the conservator's usual residence, the temporary orders under this section terminate and the rights of all affected parties are governed by the terms of any court order applicable when the conservator is not ordered to military deployment, military mobilization, or temporary military duty.

Sec. 153.703. APPOINTING DESIGNATED PERSON FOR CONSERVATOR WITH EXCLUSIVE RIGHT TO DESIGNATE PRIMARY RESIDENCE OF CHILD. (a) If the conservator with the exclusive right to designate the primary residence of the child is ordered to military deployment, military mobilization, or temporary military duty, the court may render a temporary order to appoint a designated person to exercise the exclusive right to designate the primary residence of the child during the military deployment, military mobilization, or temporary military duty in the following order of preference:

(1) the conservator who does not have the exclusive right to designate the primary residence of the child;

(2) if appointing the conservator described by Subdivision (1) is not in the child's best interest, a designated person chosen by the conservator with the exclusive right to designate the primary residence of the child; or

(3) if appointing the conservator described by Subdivision (1) or the person chosen under Subdivision (2) is not in the child's best interest, another person chosen by the court.

(b) A designated person named in a temporary order rendered under this section has the rights and duties of a nonparent appointed as sole managing conservator under Section 153.371.

(c) The court may limit or expand the rights of a nonparent named as a designated person in a temporary order rendered under this section as appropriate to the best interest of the child.

Sec. 153.704. APPOINTING DESIGNATED PERSON TO EXERCISE VISITATION FOR CONSERVATOR WITH EXCLUSIVE RIGHT TO DESIGNATE PRIMARY RESIDENCE OF CHILD IN CERTAIN CIRCUMSTANCES. (a) If the court appoints the conservator without the exclusive right to designate the primary residence of the child under Section 153.703(a)(1), the court may award visitation with the child to a designated person chosen by the conservator with the exclusive right to designate the primary residence of the child.

(b) The periods of visitation shall be the same as the visitation to which the conservator without the exclusive right to designate the primary residence of the child was entitled under the court order in effect immediately before the date the temporary order is rendered.

(c) The temporary order for visitation must provide that:

(1) the designated person under this section has the right to possession of the child for the periods and in the manner in which the conservator without the exclusive right to designate the primary residence of the child is entitled under the court order in effect immediately before the date the temporary order is rendered;

(2) the child's other conservator and the designated person under this section are subject to the requirements of Section 153.316, with the designated person considered for purposes of that section to be the possessory conservator;

(3) the designated person under this section has the rights and duties of a nonparent possessory conservator under Section 153.376(a) during the period that the person has possession of the child; and

(4) the designated person under this section is subject to any provision in a court order restricting or prohibiting access to the child by any specified individual.

(d) The court may limit or expand the rights of a nonparent designated person named in a temporary order rendered under this section as appropriate to the best interest of the child.

Sec. 153.705. APPOINTING DESIGNATED PERSON TO EXERCISE VISITATION FOR CONSERVATOR WITHOUT EXCLUSIVE RIGHT TO DESIGNATE PRIMARY RESIDENCE OF CHILD. (a) If the conservator without the exclusive right to designate the primary residence of the child is ordered to military deployment, military mobilization, or temporary military duty, the court may award visitation with the child to a designated person chosen by the conservator, if the visitation is in the best interest of the child.

(b) The temporary order for visitation must provide that:

(1) the designated person under this section has the right to possession of the child for the periods and in the manner in which the conservator described by Subsection (a) would be entitled if not ordered to military deployment, military mobilization, or temporary military duty;

(2) the child's other conservator and the designated person under this section are subject to the requirements of Section 153.316, with the designated person considered for purposes of that section to be the possessory conservator;

(3) the designated person under this section has the rights and duties of a nonparent possessory conservator under Section 153.376(a) during the period that the designated person has possession of the child; and

(4) the designated person under this section is subject to any provision in a court order restricting or prohibiting access to the child by any specified individual.

(c) The court may limit or expand the rights of a nonparent designated person named in a temporary order rendered under this section as appropriate to the best interest of the child.

Sec. 153.706. TEMPORARY ORDER FOR CHILD SUPPORT. A temporary order rendered under this subchapter may result in a change of circumstances sufficient to justify a temporary order modifying the child support obligations of a party.

Sec. 153.707. EXPEDITED HEARING. (a) On a motion by the conservator who has been ordered to military deployment, military mobilization, or temporary military duty, the court shall, for good cause shown, hold an expedited hearing if the court finds that the conservator's military duties have a material effect on the conservator's ability to appear in person at a regularly scheduled hearing.

(b) A hearing under this section shall, if possible, take precedence over other suits affecting the parent-child relationship not involving a conservator who has been ordered to military deployment, military mobilization, or temporary military duty.

(c) On a motion by any party, the court shall, after reasonable advance notice and for good cause shown, allow a party to present testimony and evidence by electronic means, including by teleconference or through the Internet.

Sec. 153.708. ENFORCEMENT. Temporary orders rendered under this subchapter may be enforced by or against the designated person to the same extent that an order would be enforceable against the conservator who has been ordered to military deployment, military mobilization, or temporary military duty.

Sec. 153.709. ADDITIONAL PERIODS OF POSSESSION OR ACCESS. (a) Not later than the 90th day after the date a conservator without the exclusive right to designate the primary residence of the child who is a member of the armed services concludes the conservator's military deployment, military mobilization, or temporary military duty, the conservator may petition the court to:

(1) compute the periods of possession of or access to the child to which the conservator would have otherwise been entitled during the conservator's deployment; and

(2) award the conservator additional periods of possession of or access to the child to compensate for the periods described by Subdivision (1).

(b) If the conservator described by Subsection (a) petitions the court under Subsection (a), the court:

(1) shall compute the periods of possession or access to the child described by Subsection (a)(1); and

(2) may award to the conservator additional periods of possession of or access to the child for a length of time and under terms the court considers reasonable, if the court determines that:

(A) the conservator was on military deployment, military mobilization, or temporary military duty in a location where access to the child was not reasonably possible; and

(B) the award of additional periods of possession of or access to the child is in the best interest of the child.

(c) In making the determination under Subsection (b)(2), the court:

(1) shall consider:

(A) the periods of possession of or access to the child to which the conservator would otherwise have been entitled during the conservator's military deployment, military mobilization, or temporary military duty, as computed under Subsection (b)(1);

(B) whether the court named a designated person under Section 153.705 to exercise limited possession of the child during the conservator's deployment; and

(C) any other factor the court considers appropriate; and

(2) is not required to award additional periods of possession of or access to the child that equals the possession or access to which the conservator would have been entitled during the conservator's military deployment, military mobilization, or temporary military duty, as computed under Subsection (b)(1).

(d) After the conservator described by Subsection (a) has exercised all additional periods of possession or access awarded under this section, the rights of all affected parties are governed by the terms of the court order applicable when the conservator is not ordered to military deployment, military mobilization, or temporary military duty.

SECTION 2. Section 156.006, Family Code, is amended by adding Subsection (c) to read as follows:

(c) Subsection (b)(2) does not apply to a conservator who has the exclusive right to designate the primary residence of the child and who has temporarily relinquished the primary care and possession of the child to another person during the conservator's military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701.

SECTION 3. Section 156.101, Family Code, is amended to read as follows:

Sec. 156.101. GROUNDS FOR MODIFICATION OF ORDER ESTABLISHING CONSERVATORSHIP OR POSSESSION AND ACCESS. (a) The court may modify an order that provides for the appointment of a conservator of a child, that provides the terms and conditions of conservatorship, or that provides for the possession of or access to a child if modification would be in the best interest of the child and:

(1) the circumstances of the child, a conservator, or other party affected by the order have materially and substantially changed since the earlier of:

(A) the date of the rendition of the order; or

(B) the date of the signing of a mediated or collaborative law settlement agreement on which the order is based;

(2) the child is at least 12 years of age and has filed with the court, in writing, the name of the person who is the child's preference to have the exclusive right to designate the primary residence of the child; or

(3) the conservator who has the exclusive right to designate the primary residence of the child has voluntarily relinquished the primary care and possession of the child to another person for at least six months.

(b) Subsection (a)(3) does not apply to a conservator who has the exclusive right to designate the primary residence of the child and who has temporarily relinquished the primary care and possession of the child to another person during the conservator's military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701.

SECTION 4. Section 156.102, Family Code, is amended by adding Subsection (d) to read as follows:

(d) Subsection (b)(3) does not apply to a person who has the exclusive right to designate the primary residence of the child and who has temporarily relinquished the primary care and possession of the child to another person during the conservator's military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701.

SECTION 5. Section 156.105, Family Code, is amended to read as follows:

Sec. 156.105. MODIFICATION OF ORDER BASED ON MILITARY DUTY [DEPLOYMENT]. ~~[(a) In this section, "military deployment" means military duty ordered for a period of more than six months during which the person ordered to duty:~~

~~[(1) is not provided the option of being accompanied by the person's child; and~~

~~[(2) is serving in a location where access to the person's child is not reasonably possible.~~

[(b)] The military duty of a conservator who is ordered to military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701, does not by itself constitute [of a person who is a possessory conservator or a joint managing conservator without the exclusive right to designate the primary residence of the child is] a material and substantial change of circumstances sufficient to justify a modification of an existing court order or portion of a decree that sets the terms and conditions for the possession of or access to a child except that the court may render a temporary order under Subchapter L, Chapter 153.

~~[(c) If the court determines that modification is in the best interest of the child, the court may modify the order or decree to provide in a manner consistent with Section 153.3161 for possession of the child during the period of the military deployment by a person designated by the deployed conservator.]~~

SECTION 6. Sections 153.3161 and 156.410, Family Code, are repealed.

SECTION 7. The changes in law made by this Act apply to a suit affecting the parent-child relationship that is pending in a trial court on the effective date of this Act or filed on or after that date.

SECTION 8. This Act takes effect September 1, 2009.

Amendment No. 1 was adopted.

### HOUSE AT EASE

At 6:02 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 6:30 p.m.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Oliveira requested permission for the Committee on Ways and Means to meet while the house is in session, at 7 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Ways and Means, 7 p.m. today, 3W.9, for a formal meeting, to consider pending business.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

### NOTICE OF MOTION TO SUSPEND RULES

Pursuant to the provisions of Rule 14, Section 4 of the House Rules, at 6:55 p.m., the chair announced that Representative Dunnam would, in at least one hour, be recognized for the purpose of suspending the regular order of business to take up **SB 1850**, **SB 1111**, **SB 1864**, **SB 1173**, **SB 1106**, **SB 1501**, **SB 1976**, **SB 1773**, **SB 2105**, **SB 1954**, **SB 1815**, and **SB 1958** out of their regular order.

Pursuant to the provisions of Rule 14, Section 4 of the House Rules, at 6:55 p.m., the chair announced that Representative Thompson would, in at least one hour, be recognized for the purpose of suspending the regular order of business to take up **SB 89** and **SB 1202** out of their regular order.

**CSSB 282** (Eissler - House Sponsor), A bill to be entitled An Act relating to grant and outreach programs to provide nutrition education to children.

**SB 305** (Castro - House Sponsor), A bill to be entitled An Act relating to an online list of work-study employment opportunities available to students at a public institution of higher education.

**SB 334** (Pickett - House Sponsor), A bill to be entitled An Act relating to the repeal of the authority of the Texas Department of Transportation to regulate air carriers.

**SB 348** (Pickett - House Sponsor), A bill to be entitled An Act relating to the Texas Transportation Commission's authority to establish advisory committees.

**SB 375** (T. Smith - House Sponsor), A bill to be entitled An Act relating to the release of certain motor vehicle accident report information.

**SB 376** (Phillips - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Texas Department of Transportation related to county traffic officers.

### LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of illness:

Solomons on motion of Pickett.

The following member was granted leave of absence for the remainder of today because of important business:

Crabb on motion of Truitt.

**SB 379** (Guillen - House Sponsor), A bill to be entitled An Act relating to an annual report by the Texas Fusion Center regarding criminal street gangs and gang-related crime.

### Amendment No. 1

Representative Guillen offered the following amendment to **SB 379**:

Amend **SB 379**, in SECTION 1 on page 1, line 6, after "Section 421.082, Government Code, is amended by adding Subsections (e), (f)," by removing "and" and adding "(g), and (h)..."

Amend **SB 379**, in SECTION 1 on page 2, line 19, after subsection (g), add "(h) Any information received by the center under Section 421.082, Government Code, that is stored, combined with other information, analyzed or disseminated shall be subject to the rules governing criminal intelligence in 28 C.F.R. part 23."

Amendment No. 1 was adopted.

(Solomons now present)

### SB 1850 - MOTION TO SUSPEND RULES

Pursuant to notice of intent given earlier today, Representative Dunnam moved to suspend the regular order of business and all necessary rules to consider **SB 1850** at this time.

### LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Legler on motion of Parker.

### SB 1850 - (consideration continued)

The motion to suspend the regular order of business and all necessary rules to consider **SB 1850** at this time was lost by (Record 1057): 74 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland(C); England; Farabee; Farias; Farrar; Flores; Frost; Gallego; Giddings;

Gonzales; Gonzalez Toureilles; Guillen; Gutierrez; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Kent; King, T.; Leibowitz; Lucio; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McClelland; McReynolds; Menendez; Merritt; Miklos; Moody; Naishtat; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Strama; Thibaut; Thompson; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle.

Nays — Anderson; Aycocck; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Button; Chisum; Christian; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Driver; Eissler; Elkins; Fletcher; Flynn; Geren; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Howard, C.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kleinschmidt; Kolkhorst; Laubenberg; Lewis; Madden; McCall; Miller, D.; Miller, S.; Morrison; Orr; Otto; Parker; Patrick; Paxton; Phillips; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Truitt; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Corte; Crabb; Kuempel; Legler; Riddle.

Absent — Callegari; Gattis; Homer; Pitts.

### COMMITTEE GRANTED PERMISSION TO MEET

Representative Gallego requested permission for the Committee on Criminal Jurisprudence to meet while the house is in session, at 8:40 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Criminal Jurisprudence, 8:40 p.m. today, 3W.9, for a formal meeting.

**SB 410** (Miklos - House Sponsor), A bill to be entitled An Act relating to the statute of limitations for a misdemeanor.

### PARLIAMENTARY INQUIRY

REPRESENTATIVE MERRITT: Mr. Speaker, you advised the body earlier that after this particular motion, you're not going to recognize someone else to suspend the rules and take up another bill out of order?

SPEAKER PRO TEMPORE EILAND: Not unless it's obvious that the 56 people are no longer present, or at least 49.

MERRITT: You mean in the form of objection?

SPEAKER PRO TEMPORE: Yes, we have an objection from 59 people.

MERRITT: So, at this time, would you recognize me to take out of order **SB 362**, in order that we consider that this evening? In one hour from now, will you recognize me to make the motion to bring up **SB 362**?

SPEAKER PRO TEMPORE: You're talking about the voter ID bill?

MERRITT: That is the voter ID bill. Yes, sir.

SPEAKER PRO TEMPORE: No, you would have to give notice under Rule 14, Section 4, to give one hour's notice. I now have objections from 59 members not to do that any more this evening.

MERRITT: So those 59 members would be on record objecting to bringing up **SB 362**, the photo ID, voter ID, bill?

SPEAKER PRO TEMPORE: The chair is not advised, but I'm not going to recognize any further motions this evening based upon these 59 signatures, unless some members come remove their names.

MERRITT: To offset whatever the record vote may show?

SPEAKER PRO TEMPORE: Correct.

MERRITT: Presently, those individuals could come forward and remove their names, or remove all 59 names, therefore, I could make the motion to bring up **SB 362** tonight?

SPEAKER PRO TEMPORE: If you are recognized to do so. I've already said that I'm not going to recognize anybody else this evening if this vote fails.

MERRITT: If this vote prevails, then I can make the motion to be recognized in one hour to bring up **SB 362** for consideration?

SPEAKER PRO TEMPORE: We'll take that up at that time.

MERRITT: The individuals, whose names are on that list, can those names be recorded and placed in the journal at my request?

SPEAKER PRO TEMPORE: Let us get rid of this—the motion and the vote in front of us—and then we'll take that up.

MERRITT: If the motion prevails not to take the business out of order, then the vote that we're going take would prevent us from taking up **SB 362** for the rest of the night. Is that correct?

SPEAKER PRO TEMPORE: I've already said, based upon the signatures given to me by the 59 members requesting a standing objection, that I would not recognize anybody else this evening if this vote fails.

### REMARKS AND NAMES ORDERED PRINTED

Representative Merritt moved to print remarks between the speaker pro tempore and Representative Merritt and the names of the members who gave the chair notice of a standing objection to suspending the regular order of business.

The motion prevailed.

The following members gave notice of a standing objection to suspending the regular order of business:

Isett, F. Brown, Bohac, B. Brown, Anderson, Smithee, Keffer, Truitt, Flynn, Eissler, Fletcher, J. Davis, Berman, Jackson, Hardcastle, Paxton, Cook, Driver, Lewis, Hunter, Jones, Hartnett, Orr, Taylor, Laubenberg, Harper-Brown, D. Miller, Button, Parker, Zerwas, Kolkhorst, Sheffield, Hamilton, W. Smith, Branch, Kleinschmidt, Hancock, Swinford, Madden, Weber, Aycock, S. King, Otto, Creighton, S. Miller, Craddick, Crownover, Geren, Bonnen, Christian, T. Smith, McCall, Shelton, Hughes, P. King, Woolley, Patrick, Darby, and Hilderbran.

### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative McCall requested permission for the Committee on Calendars to meet while the house is in session, at 9 p.m. today, to consider the calendar.

Permission to meet was granted.

### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 9 p.m. today, 3W.15, for a formal meeting, to consider the calendar.

**SB 417** (Isett and Homer - House Sponsors), A bill to be entitled An Act relating to the purchase of a retired firearm from the Parks and Wildlife Department by a game warden.

**SB 455** (Hopson, Edwards, Marquez, and Patrick - House Sponsors), A bill to be entitled An Act relating to the regulation of the practice of dental assistants, including the delegation of certain dental acts.

**SB 474** (Flynn, Hopson, Hardcastle, and Peña - House Sponsors), A bill to be entitled An Act relating to the comptroller of public accounts' use of electronic paycards to make certain payments.

### **SB 474 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HOCHBERG: Let me ask you this for legislative intent. Is it your intent with this bill, Mr. Flynn, that any employee of the State of Texas, who gets paid under one of these agreements as covered in the bill, pay no fee for either the state loading money onto that card, or for a one-time withdraw of all the money on that card?

REPRESENTATIVE FLYNN: That is exactly what the intent was.

HOCHBERG: That is your intent?

FLYNN: Yes, sir.

**REMARKS ORDERED PRINTED**

Representative Hochberg moved to print remarks between Representative Flynn and Representative Hochberg.

The motion prevailed.

Representative Flynn moved to postpone consideration of **SB 474** until the end of today's local, consent, and resolutions calendar.

The motion prevailed.

**SB 490** (Vaught - House Sponsor), A bill to be entitled An Act relating to money paid into the registry of a court in certain counties.

**SB 504** was deferred until the end of today's local, consent, and resolutions calendar.

**SB 524** (Heflin - House Sponsor), A bill to be entitled An Act relating to the grounds for removal of a member of the board of directors of the Lynn County Hospital District.

**SB 530** (J. Davis - House Sponsor), A bill to be entitled An Act relating to the disposition of cash in possession of a deceased pauper.

**SB 575** (Shelton - House Sponsor), A bill to be entitled An Act relating to the time for dissolution of crime control and prevention districts.

**SB 584** (Gonzales - House Sponsor), A bill to be entitled An Act relating to notification to a patient of a state-operated mental health facility or resident of a residential care facility of the exemption of certain trusts from liability to pay for support.

**SB 585** (Kent - House Sponsor), A bill to be entitled An Act relating to standards of conduct and ethics policies for metropolitan planning organizations.

**SB 596** (Christian and Hopson - House Sponsors), A bill to be entitled An Act relating to the name of Stephen F. Austin State University.

**SB 636** (Rose - House Sponsor), A bill to be entitled An Act relating to the authority of a county or other local governmental entity to receive local sales tax information.

**SB 636 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE ROSE: In the underlying **SB 636**, members, it is the intent of this legislation that, in Section 4 of the bill, the phrase, "Other local governmental entity," includes library districts and emergency service districts that are created through voter approval as authorized by statute.

**REMARKS ORDERED PRINTED**

Representative Rose moved to print his remarks.

The motion prevailed.

**Amendment No. 1**

Representative Rose offered the following amendment to **SB 636**:

Amend **SB 636** (House committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 151, Tax Code, is amended by adding Section 151.0565 to read as follows:

Sec. 151.0565. TAXABLE ITEMS SOLD OR PROVIDED UNDER DESTINATION MANAGEMENT SERVICES CONTRACTS. (a) In this section:

(1) "Destination management services" means the following services when provided under a qualified destination management services contract:

- (A) transportation management;
- (B) booking and managing entertainers;
- (C) coordination of tours or recreational activities;
- (D) meeting, conference, or event registration;
- (E) meeting, conference, or event staffing;
- (F) event management; and
- (G) meal coordination.

(2) "Qualified destination management company" means a business entity that:

(A) is incorporated or is a limited liability company;  
(B) receives at least 80 percent of the entity's annual total revenue from providing or arranging for the provision of destination management services;

(C) maintains a permanent nonresidential office from which the destination management services are provided or arranged;

(D) has at least three full-time employees;  
(E) spends at least one percent of the entity's annual gross receipts to market the destinations with respect to which destination management services are provided;

(F) has at least 80 percent of the entity's clients described by Subdivision (3)(A) located outside this state;

(G) other than office equipment used in the conduct of the entity's business, does not own equipment used to directly provide destination management services, including motor coaches, limousines, sedans, dance floors, decorative props, lighting, podiums, sound or video equipment, or equipment for catered meals;

(H) is not doing business as a caterer;  
(I) does not provide services for weddings;  
(J) does not own a venue at which events or activities for which destination management services are provided occur; and

(K) is not a subsidiary of another entity that, and is not a member of an affiliated group, as that term is defined by Section 171.0001, another member of which:

(i) is doing business as, or owns or operates another entity doing business as, a caterer; or

(ii) owns or operates a venue described by Paragraph (J).

(3) "Qualified destination management services contract" means a contract under which at least three of the destination management services listed in Subdivision (1) are provided:

(A) in this state to a client that is not an individual and that:

(i) is a corporation, partnership, limited liability company, trade association, or other business entity, other than a social club or fraternal organization;

(ii) has its principal place of business outside the county where the destination management services are to be provided; and

(iii) agrees to pay the qualified destination management company for all destination management services provided to the client under the terms of the contract; and

(B) by a qualified destination management company that pays or accrues liability for the payment of taxes imposed by this chapter on purchases of taxable items that will be consumed or used by the company in performing the contract.

(b) A qualified destination management company is the consumer of taxable items sold or otherwise provided under a qualified destination management services contract, and the destination management services provided under the contract are not considered taxable services, as that term is defined by Section 151.0101.

SECTION \_\_\_\_\_. (a) Section 171.1011, Tax Code, is amended by adding Subsection (g-6) to read as follows:

(g-6) A taxable entity that is a qualified destination management company as defined by Section 151.0565 shall exclude from its total revenue, to the extent included under Subsection (c)(1)(A), (c)(2)(A), or (c)(3), payments made to other persons to provide services, labor, or materials in connection with the provision of destination management services as defined by Section 151.0565.

(b) This section applies only to a report originally due on or after the effective date of this section.

(c) Notwithstanding any other provision of this Act, this section takes effect January 1, 2010.

Amendment No. 1 was adopted.

## **Amendment No. 2**

Representative Thompson offered the following amendment to **SB 636**:

Amend **SB 636** by adding the following appropriately numbered sections to read as follows and renumbered the subsequent sections accordingly:

SECTION. \_\_\_\_\_. Subdivision (3), Subsection (a), Section 321.002, Tax Code, is amended to read as follows:

(3) "Place of business of the retailer" means an established outlet, office, or location operated by the retailer or the retailer's agent or employee for the purpose of receiving orders for taxable items and includes any location at which three or more orders are received by the retailer during a calendar year. A warehouse, storage yard, or manufacturing plant is not a "place of business of the retailer" unless at least three orders are received by the retailer during the calendar

year at the warehouse, storage yard, or manufacturing plant. An outlet, office, facility, or location that contracts with a retail or commercial business engaged in activities to which this chapter applies to process for that business invoices or bills of lading onto which sales tax is added is not a "place of business of the retailer" if the comptroller determines that the outlet, office, facility, or location functions or exists to avoid the tax imposed by this chapter or to rebate a portion of the tax imposed by this chapter to the contracting business. Notwithstanding any other provision of this subdivision, a kiosk is not a "place of business of the retailer." In this subdivision, "kiosk" means a small stand-alone area or structure that:

(A) is used solely to display merchandise or to submit orders for taxable items from a data entry device, or both;

(B) is located entirely within a location that is a place of business of another retailer, such as a department store or shopping mall; and

(C) at which taxable items are not available for immediate delivery to a customer.

SECTION \_\_\_\_\_. Section 321.203, Tax Code, is amended by amending Subsections (c) and (d) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c) If a retailer has more than one place of business in this state, each [a] sale of each [a] taxable item by the retailer is consummated at the [retailer's] place of business of the retailer in this state where the retailer first receives the order, provided that the order is placed in person by the purchaser or lessee of the taxable item at the place of business of the retailer in this state where the retailer first receives the order.

(c-1) If the retailer has more than one place of business in this state and Subsection (c) does not apply, the sale is consummated at the place of business of the retailer in this state:

(1) from which the retailer ships or delivers the item, if the retailer ships or delivers the item to a point designated by the purchaser or lessee; or

(2) where the purchaser or lessee takes possession of and removes the item, if the purchaser or lessee takes possession of and removes the item from a place of business of the retailer.

(c-2) Subsection (c) does not apply if:

(1) the taxable item is shipped or delivered from a warehouse:

(A) that is a place of business of the retailer;

(B) in relation to which the retailer has an economic development

agreement with:

(i) the municipality in which the warehouse is located that was entered into under Chapter 380, 504, or 505, Local Government Code, or a predecessor statute, before January 1, 2009; or

(ii) the county in which the warehouse is located that was entered into under Chapter 381, Local Government Code, before January 1, 2009; and

(C) in relation to which the municipality provides information relating to the economic development agreement as required by Subsection (c-3) by the deadline prescribed by that subsection, or, if appropriate, the county complies with Section 323.203(c-3) by the deadline prescribed by that section; and

(2) the place of business of the retailer at which the retailer first receives the order in the manner described by Subsection (c) is a retail outlet identified in the information required by Subsection (c-3) or Section 323.203(c-3) as being served by the warehouse on January 1, 2009.

(c-3) Not later than September 1, 2009, a municipality that has entered into an economic development agreement described by Subsection (c-2) shall send to the comptroller information prescribed by the comptroller relating to the agreement that identifies each warehouse subject to the agreement and each retail outlet that, on January 1, 2009, was served by that warehouse. The comptroller shall prescribe the manner in which the information must be provided. The provision of information to the comptroller under this subsection does not affect whether information described by this subsection is confidential or excepted from required public disclosure. This subsection and Subsection (c-2) expire September 1, 2014.

(d) If the retailer has more than one place of business in this state and Subsections (c) and (c-1) do not apply ~~neither the possession of a taxable item is taken at nor shipment or delivery of the item is made from the retailer's place of business in this state~~, the sale is consummated at:

(1) the ~~retailer's~~ place of business of the retailer in this state where the order is received; or

(2) if the order is not received at a place of business of the retailer, the place of business from which the retailer's agent or employee who took the order operates.

SECTION \_\_\_\_\_. Section 323.203, Tax Code, is amended by amending Subsections (c) and (d) and adding Subsections (c-1), (c-2), and (c-3) to read as follows:

(c) If a retailer has more than one place of business in this state, each [a] sale of each [a] taxable item by the retailer is consummated at the ~~retailer's~~ place of business of the retailer in this state where the retailer first receives the order, provided that the order is placed in person by the purchaser or lessee of the taxable item at the place of business of the retailer in this state where the retailer first receives the order.

(c-1) If the retailer has more than one place of business in this state and Subsection (c) does not apply, the sale is consummated at the place of business of the retailer in this state:

(1) from which the retailer ships or delivers the item, if the retailer ships or delivers the item to a point designated by the purchaser or lessee; or

(2) where the purchaser or lessee takes possession of and removes the item, if the purchaser or lessee takes possession of and removes the item from a place of business of the retailer.

(c-2) Subsection (c) does not apply if:

(1) the taxable item is shipped or delivered from a warehouse:

(A) that is a place of business of the retailer;

(B) in relation to which the retailer has an economic development agreement with:

(i) the county in which the warehouse is located that was entered into under Chapter 381, Local Government Code, before January 1, 2009; or

(ii) the municipality in which the warehouse is located that was entered into under Chapter 380, 504, or 505, Local Government Code, or a predecessor statute, before January 1, 2009; and

(C) in relation to which the county provides information relating to the economic development agreement as required by Subsection (c-3) by the deadline prescribed by that subsection, or, if appropriate, the municipality complies with Section 321.203(c-3) by the deadline prescribed by that section; and

(2) the place of business of the retailer at which the retailer first receives the order in the manner described by Subsection (c) is a retail outlet identified in the information required by Subsection (c-3) or Section 321.203(c-3) as being served by the warehouse on January 1, 2009.

(c-3) Not later than September 1, 2009, a county that has entered into an economic development agreement described by Subsection (c-2) shall send to the comptroller information prescribed by the comptroller relating to the agreement that identifies each warehouse subject to the agreement and each retail outlet that, on January 1, 2009, was served by that warehouse. The comptroller shall prescribe the manner in which the information must be provided. The provision of information to the comptroller under this subsection does not affect whether information described by this subsection is confidential or excepted from required public disclosure. This subsection and Subsection (c-2) expire September 1, 2014.

(d) If the retailer has more than one place of business in this state and Subsections (c) and (c-1) do not apply [neither the possession of a taxable item is taken at nor shipment or delivery of the item is made from the retailer's place of business in this state], the sale is consummated at:

(1) the [retailer's] place of business of the retailer in this state where the order is received; or

(2) if the order is not received at a place of business of the retailer, the place of business from which the retailer's agent or employee who took the order operates.

SECTION \_\_\_\_\_. The change in law made by this Act does not affect tax liability accruing before the effective date of this Act. That liability continues in effect as if this Act had not been enacted, and the former law is continued in effect for the collection of taxes due and for civil and criminal enforcement of the liability for those taxes.

SECTION \_\_\_\_\_. Section 321.203, and Section 323.203, Tax Code, as added by this Act, take effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III,

Texas Constitution. If this Act does not receive the vote necessary for immediate effect, Section 321.203 and Section 323.203, Tax Code, as added by this Act, take effect August 31, 2009.

Amendment No. 2 was adopted.

(Farabee in the chair)

**SB 638** (Flynn, Hopson, and Heflin - House Sponsors), A bill to be entitled An Act relating to the collateralization of certain public funds; providing administrative penalties.

**SB 662** (Lucio and Oliveira - House Sponsors), A bill to be entitled An Act relating to the establishment and use of a mausoleum beneath certain religious buildings.

### **HB 3411 - RULES SUSPENDED**

Pursuant to notice of intent given earlier today, Representative Chisum moved to suspend the regular order of business and all necessary rules to consider **HB 3411** at this time.

The motion prevailed.

### **HB 3411 ON THIRD READING**

(by Chisum)

### **CONSTITUTIONAL RULE SUSPENDED**

Representative Chisum moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 3411** on its third reading and final passage.

(Speaker pro tempore in the chair)

The motion prevailed by (Record 1058): 132 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flynn; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley.

Present, not voting — Mr. Speaker.

Absent, Excused — Corte; Crabb; Kuempel; Legler; Riddle.

Absent — Callegari; Dutton; Flores; Geren; Guillen; McCall; McClendon; Miller, S.; Oliveira; Peña; Pitts; Zerwas.

### STATEMENT OF VOTE

When Record No. 1058 was taken, I was in the house but away from my desk. I would have voted yes.

Flores

The chair laid **HB 3411** before the house on its third reading and final passage.

**HB 3411** was read third time and was passed by (Record 1059): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker; Hamilton.

Absent, Excused — Corte; Crabb; Kuempel; Legler; Riddle.

Absent — Callegari; Coleman; Guillen; McClendon; Miller, S.; Peña; Pitts.

### HB 4742 - RULES SUSPENDED

Pursuant to notice of intent given earlier today, Representative Naishtat moved to suspend the regular order of business and all necessary rules to consider **HB 4742** at this time.

The motion prevailed.

**HB 4742 ON THIRD READING**  
**(by Naishtat)**  
**CONSTITUTIONAL RULE SUSPENDED**

Representative Naishtat moved to suspend the constitutional rule requiring bills to be read on three several days and to place **HB 4742** on its third reading and final passage.

The motion prevailed by (Record 1060): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Corte; Crabb; Kuempel; Legler; Riddle.

Absent — Callegari; Coleman; Guillen; Miller, S.; Oliveira; Peña; Pitts.

The chair laid **HB 4742** before the house on its third reading and final passage.

**HB 4742** was read third time and was passed by (Record 1061): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Button; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland(C); Eissler; Elkins; England; Farabee; Farias; Farrar; Fletcher; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Isett; Jackson; Jones; Keffer; Kent; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Laubenberg; Leibowitz; Lewis; Lucio; Madden; Maldonado; Mallory

Caraway; Marquez; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miklos; Miller, D.; Moody; Morrison; Naishtat; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Quintanilla; Raymond; Rios Ybarra; Ritter; Rodriguez; Rose; Sheffield; Shelton; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Taylor; Thibaut; Thompson; Truitt; Turner, C.; Turner, S.; Vaught; Veasey; Villarreal; Vo; Walle; Weber; Woolley; Zerwas.

Present, not voting — Mr. Speaker.

Absent, Excused — Corte; Crabb; Kuempel; Legler; Riddle.

Absent — Callegari; Guillen; Miller, S.; Oliveira; Peña; Pitts; Strama.

### STATEMENTS OF VOTE

I was shown voting yes on Record No. 1061. I intended to vote no.

Maldonado

When Record No. 1061 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

### LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

**SB 693** (Kuempel - House Sponsor), A bill to be entitled An Act relating to proof of identification to purchase an alcoholic beverage.

**CSSB 698** (Thompson - House Sponsor), A bill to be entitled An Act relating to the establishment of a registry at the Texas Department of Insurance of certain legal entities alleged to have sold race-based insurance coverage. (Weber recorded voting no.)

#### Amendment No. 1

Representative Thompson offered the following amendment to **CSSB 698**:

Amend **CSSB 698** (House committee printing) by striking Section 521.153 and renumber sections appropriately.

Amendment No. 1 was adopted.

**SB 703** (Rose - House Sponsor), A bill to be entitled An Act relating to the provision of a certified copy of a birth certificate for certain minors receiving services from the Department of Family and Protective Services.

#### Amendment No. 1

On behalf of Representative Y. Davis, Representative Rose offered the following amendment to **SB 703**:

Amend **SB 703** (house committee printing) by inserting the following appropriately numbered SECTIONS and renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 191.028, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) Not later than the 30th business day after the date the department receives an amending certificate, the department shall notify the individual of whether the amendment has been accepted for filing.

SECTION \_\_\_\_\_. This Act applies only to amending certificates filed on or after the effective date of this Act. Amending certificates filed before the effective date of this Act are governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted.

### **SB 703 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE HERRERO: If you look to the provisions that this is affecting, there's nothing in this bill that would negatively impact the ability of a child to be adopted, in your opinion?

REPRESENTATIVE ROSE: No, as a matter of fact, it expedites that process. It will only help, and it certainly won't hurt.

HERRERO: In looking at the fiscal note, the projections for children to be adopted, years after the implementation of this bill, extend for the same numbers of 5,000 birth certificates and 20,000 birth verifications. That sounds, at least in my opinion, to be a large number, and I do believe that it's important for us to continue to do everything that we can to further ensure that we have more and more children in the State of Texas being able to be adopted. It's on the fiscal note?

ROSE: I'm well aware of where it is on the fiscal note, but I was looking for some other numbers. There were 5,365 children—this is an interesting statistic actually—in fiscal year 2008 who were eligible for adoption and who had their parental rights terminated. In 2007, that number is 5,400, so slightly higher; fiscal year 2006—5,028. It's my opinion that we try to do a lot through our CPS work in our committee, the last two sessions, to keep families together to the extent possible. Representative Dukes has her fostering connections bill, that is hopefully up on the calendar soon—an important bill, to keep families together—but as our population grows, there is likely to be a larger pool of children, sadly, but importantly, whose best home is not with their parents. We maintain the responsibility of their care. We are their conservator. We need to, quickly and promptly as possible, find a permanent, loving home for them. So, that number—5,300 approximately, today—is bound to grow. As it grows, it's important that we expedite those adoptions.

HERRERO: Thank you, Mr. Rose. I do believe it's a great bill, and I support it.

**SB 707** (Jackson - House Sponsor), A bill to be entitled An Act relating to requiring a sexually oriented business to maintain certain photographic identification records; providing a criminal penalty.

**REMARKS ORDERED PRINTED**

Representative Weber moved to print remarks between Representative Herrero and Representative Rose.

The motion prevailed.

**SB 748** (Zerwas - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Fort Bend County Municipal Utility District No. 161; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 749** (Zerwas - House Sponsor), A bill to be entitled An Act relating to the powers and duties of the Fort Bend County Municipal Utility District No. 163; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Transportation meeting scheduled for 8:30 a.m. today is cancelled.

**ADJOURNMENT**

Representative Elkins moved that the house adjourn until 10 a.m. today, May 23, in memory of Dreabow Elkins of Burleson, aunt of Representative Elkins.

The motion prevailed.

The house accordingly, at 12:10 a.m. May 23, adjourned until 10 a.m. today.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**Senate List No. 36**

**SB 98, SB 518, SB 527, SB 554, SB 633, SB 650, SB 711, SB 776, SB 847, SB 894, SB 1027, SB 1236, SB 1681, SB 1806, SB 1814, SB 1847, SB 1929**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 22, 2009

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SCR 76** Uresti SPONSOR: Castro  
Commending St. Mary's University on implementing the Frank Madla, Jr., and Irma Rangel Legislative Internship Program.

THE SENATE HAS CONCURRED IN THE HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 1929** (31 Yeas, 0 Nays)

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 22, 2009 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 605** Farabee SPONSOR: Estes  
Relating to mileage reimbursement for state employees.

**HB 768** Kolkhorst SPONSOR: Hegar  
Relating to the requirement that a new road ordered by the commissioners court of a county be laid out by a jury of view.

**HB 1134** England SPONSOR: West

Relating to the authority of the Dallas County Flood Control District No. 1 to enter into a tax abatement agreement and to designate a reinvestment zone.

**HB 1255** Lewis SPONSOR: Seliger  
Relating to an interlocal contract for a relief highway route around certain municipalities.

**HB 1722** Castro SPONSOR: Uresti  
Relating to the proceedings that may be referred to and the powers of a criminal law magistrate in Bexar County.  
(Committee Substitute)

**HB 3554** Bonnen SPONSOR: Jackson, Mike  
Relating to the appointment of an associate judge to serve a district court in Brazoria County.

**HB 3983** Rodriguez SPONSOR: Watson  
Relating to certain homestead preservation reinvestment zones.  
(Committee Substitute/Amended)

**HB 4540** Raymond SPONSOR: Zaffirini  
Relating to disposition of proceeds from the development or sale of the rights to natural resources or minerals in land held by Webb County for the county permanent school fund.

**HB 4541** Raymond SPONSOR: Zaffirini  
Relating to the transfer of certain state property from the Texas Department of Public Safety to Webb County.

**HB 4781** Gallego SPONSOR: Uresti  
Relating to the imposition and rate of the county hotel occupancy tax in certain counties.  
(Amended)

**SCR 72** Wentworth  
Granting Gulf Energy Exploration Corp. permission to sue the Railroad Commission of Texas.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 22, 2009 - 3

The Honorable Speaker of the House  
House Chamber  
Austin, Texas  
Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 587** Naishtat SPONSOR: Watson  
Relating to the payment of attorney's fees to an attorney representing an applicant for the appointment of a guardian.

**HB 783** Pickett SPONSOR: Shapleigh  
Relating to the liability of an electric utility that allows recreational use of land that the utility owns, occupies, or leases.  
(Committee Substitute/Amended)

**HB 1425** Lewis SPONSOR: Seliger  
Relating to the determination of the population of a county required to develop a juvenile justice alternative education program.

**HB 1749** Bonnen SPONSOR: Hegar  
Relating to the issuance of marine conservation specialty license plates.

**HB 2130** Rios Ybarra SPONSOR: Van de Putte  
Relating to the assistance of the Texas Rangers in the investigation of certain sex offenses.

**HB 2531** Chavez SPONSOR: Shapiro  
Relating to a reporting requirement regarding the Texas emerging technology fund.  
(Committee Substitute/Amended)

**HB 2571** Gonzales SPONSOR: Hinojosa  
Relating to the licensing and regulation of towing companies and vehicle storage facilities; providing penalties.  
(Committee Substitute/Amended)

**HB 3004** Coleman SPONSOR: Jackson, Mike  
Relating to animal shelter standards; providing a civil penalty.  
(Committee Substitute)

**HB 3148** Smith, Todd SPONSOR: West  
Relating to exempting certain young persons who are convicted of an offense involving consensual sex from the requirement of registering as a sex offender in this state.  
(Committee Substitute)

**HB 3544** Lucio III SPONSOR: Fraser  
Relating to electronic notices by the Texas Commission on Environmental Quality, electronically stored information provided by a governmental body, and confidentiality of e-mail addresses provided to a governmental body.  
(Committee Substitute)

**HJR 39** Allen SPONSOR: Ellis  
Post-ratifying Amendment XXIV to the Constitution of the United States prohibiting the denial or abridgment of the right to vote for failure to pay any poll tax or other tax.

**SB 2539** Wentworth

Relating to the creation of the Comal County Water Control and Improvement District No. 6; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

**SB 2540** Wentworth

Relating to the creation of the Comal County Water Control and Improvement District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Respectfully,

Patsy Spaw

Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**May 21**

Appropriations - **SB 2567**

Border and Intergovernmental Affairs - **SB 1370, SB 2253, SB 2288**

Corrections - **SB 2340**

County Affairs - **SB 1112, SB 2550**

Criminal Jurisprudence - **SB 261, SB 312, SB 385, SB 418, SB 537, SB 689, SB 1120, SB 1273, SB 1391, SB 2047**

Energy Resources - **SB 545**

Environmental Regulation - **SB 16, SB 213**

Higher Education - **SB 1735, SB 1800, SB 2146, SJR 35**

Human Services - **SB 841, SB 939, SB 1432, SB 1520, SB 1730, SB 1804, SB 1824, SB 2420**

Insurance - **SB 6, SB 961, SB 1143**

Judiciary and Civil Jurisprudence - **SB 1153, SB 1211, SB 1650, SB 2554**

Land and Resource Management - **SB 978, SB 1953**

Licensing and Administrative Procedures - **HCR 252**

Natural Resources - **SB 1960, SB 2570**

Pensions, Investments, and Financial Services - **SB 2577**

Public Education - **SB 300, SB 1830, SB 2033, SB 2248**

Public Safety - **SB 549, SB 777, SB 1094, SB 1165, SB 1424, SB 1783, SB 1785, SB 1946, SB 1967, SB 2037**

State Affairs - **SB 182, SB 888, SB 1270, SB 1320, SB 1327, SB 1703, SB 1732, SB 1913, SB 2154, SB 2292, SB 2565**

Transportation - **SB 52, SB 129, SB 505, SB 897, SB 1426, SB 1431, SB 2569, SJR 18, SJR 25**

Urban Affairs - **SB 679**

Ways and Means - **SB 2274**

#### **ENGROSSED**

**May 21 - HCR 126**

#### **ENROLLED**

**May 21 - HB 559, HB 1109, HB 1324, HB 1513, HB 1979, HB 2303, HB 2387, HB 2628, HB 3306, HB 4718, HCR 63, HCR 80, HCR 195, HCR 196, HCR 197, HCR 198, HCR 199, HCR 206, HCR 207, HCR 208, HCR 212, HCR 215, HCR 221, HCR 226, HJR 116**

#### **SENT TO THE GOVERNOR**

**May 21 - HB 559, HB 1109, HB 1324, HB 1513, HB 1979, HB 2303, HB 2387, HB 2628, HB 3306, HB 4718, HCR 63, HCR 80, HCR 195, HCR 196, HCR 197, HCR 198, HCR 199, HCR 206, HCR 207, HCR 208, HCR 212, HCR 215, HCR 221, HCR 226**

#### **SENT TO THE SECRETARY OF THE STATE**

**May 21 - HJR 116**

